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SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LORINDA W. WILLIAMS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 11-CV-1141 W (NLS)

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION
[DOC. 16], (2) DENYING
PLAINTIFF'S SUMMARY-
JUDGMENT MOTION [DOC. 10],
(3) GRANTING DEFENDANT'S
SUMMARY-JUDGMENT MOTION
[DOC. 14], AND (4) REMANDING
CASE**

On May 25, 2011, Plaintiff Lorinda W. Williams filed this lawsuit seeking judicial review of the Social Security Commissioner's final decision denying her claim for social security disability insurance benefits, and supplemental security income benefits. The matter was referred to the Honorable Nita L. Stormes, United States Magistrate Judge, for a report and recommendation under 28 U.S.C. § 636(b)(1)(B). Thereafter, the parties filed cross-motions for summary judgment.

1 On January 24, 2012, Judge Stormes issued a Report and Recommendation
2 (“Report”), recommending that the Court deny Plaintiff’s summary-judgment motion,
3 and grant Defendant’s summary-judgment motion. (See *Report* [Doc. 16], 9:2–5.) The
4 Report also ordered that any objections were to be filed by February 14, 2012, and any
5 reply filed by February 21, 2012. (*Id.* at 9:6–10.) To date, no objection has been filed,
6 nor has there been a request for additional time in which to file an objection.


7 A district court’s duties concerning a magistrate judge’s report and
8 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of
9 the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections
10 are filed, the district court is not required to review the magistrate judge’s report and
11 recommendation. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
12 2003) (holding that 28 U.S.C. 636(b)(1)(c) “makes it clear that the district judge must
13 review the magistrate judge’s findings and recommendations de novo *if objection is made*,
14 but not otherwise”) (emphasis in original); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
15 1226 (D. Arizona 2003) (concluding that where no objections were filed, the District
16 Court had no obligation to review the magistrate judge’s Report). This rule of law is
17 well established within the Ninth Circuit and this district. See *Wang v. Masaitis*, 416
18 F.3d 992, 1000 n. 13 (9th Cir. 2005) (“Of course, de novo review of a R & R is *only*
19 required when an objection is made to the R & R.”) (emphasis added) (citing *Renya-*
20 *Tapia*, 328 F.3d 1121); *Nelson v. Giurbino*, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005)
21 (Lorenz, J.) (adopted Report without review because neither party filed objections to
22 the Report despite the opportunity to do so, “accordingly, the Court will adopt the
23 Report and Recommendation in its entirety.”); see also *Nichols v. Logan*, 355 F. Supp.
24 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

25 The Court, therefore, accepts Judge Stormes’ recommendation, and **ADOPTS**
26 the Report [Doc. 16] in its entirety. For the reasons stated in the Report, which is
27 incorporated herein by reference, the Court **DENIES** Plaintiff’s summary-judgment
28

1 motion [Doc. 10], and **GRANTS** Defendant's summary-judgment motion [Doc. 14].
2 The Clerk of the Court shall close the district court case file.

3 **IT IS SO ORDERED.**

4
5 DATE: September 26, 2012


6 **HON. THOMAS J. WHELAN**
7 United States District Court
8 Southern District of California
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